

SEALED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of Oregon

United States of America

v.

Thomas Edward Green III

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Case No. 3:21-mj-00184

Certified to be a true and correct
copy of original filed in this District

Dated: 09/29/2021

MARY L. MORAN, Clerk of Court
U.S. District Court of Oregon
By: s/S. Sellers

Pages 1 Through 37

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 6, 2020 to July 17, 2021 in the county of Multnomah in the
District of Oregon, the defendant(s) violated:

*Code Section**Offense Description*

Title 18 U.S.C. § 922(a)(6) Falsifying information in connection with the acquisition of a firearm

Title 18 U.S.C. § 924(a)(1)(A) Making false statements in a record required to be kept by a Federal
Firearms Licensee

This criminal complaint is based on these facts:

See Affidavit of ATF Special Agent Eric Livengood attached hereto and incorporated by reference.

Continued on the attached sheet.

*By phone**Complainant's signature*Special Agent Eric Livengood, ATF*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 4:00 a.m./p.m.

Date: September 28, 2021


*Judge's signature*Hon. John Jelderks, U.S. Magistrate Judge*Printed name and title*City and state: Portland, Oregon

DISTRICT OF OREGON, ss:

AFFIDAVIT OF ERIC LIVENGOOD

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Eric Livengood, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the Portland, Oregon, Field Office and have been so employed since October 2019. My training includes twenty-seven (27) weeks of Criminal Investigator and ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. During this training, I received instruction relating to federal law violations, various investigation strategies, evidence collection, interview techniques, and search and seizure. As a Special Agent with ATF, part of my duties and responsibilities include conducting criminal investigations for possible violations of federal firearms, explosives, and arson laws.

2. I submit this affidavit in support of criminal complaints and arrest warrants for

████████ Thomas Edward Green III (DOB: xx/xx/1998). As set forth below, there is probable cause to believe that ██████████ Thomas Edward Green III each knowingly falsified information in connection with the acquisition of firearms in violation of 18 U.S.C. § 922(a)(6) and knowingly made false statements in a record required to be kept by federal firearms licensee in violation of 18 U.S.C. § 924(a)(1)(A).

Applicable Law

3. Title 18 U.S.C. § 922(a)(6) states: "It shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to knowingly make any false or fictitious, oral or written statement or to furnish or exhibit any false, fictitious,

or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.”

4. Title 18 U.S.C. § 924(a)(1)(A) provides: “Whoever knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter.”

Background on Unlawful Dealing in Firearms, Straw Purchasing, and the National Integrated Ballistic Information Network

Federal Firearms Licensees

5. Based on my training and experience, I know that a Federal Firearms Licensee (FFL) is a business licensed under Chapter 44 of Title 18, United States Code, to engage in the business of dealing in firearms. Only FFLs are authorized by federal law to engage in the business of dealing in firearms. When a purchaser buys a firearm from an FFL, that buyer must fill out an ATF Firearms Transaction Record (ATF Form 4473), which asks for and requires the buyer’s true name, current residential address, and other identifying information. The information on ATF Form 4473 makes it possible to trace a firearm back to its retail purchaser. FFLs are required by Chapter 44 of Title 18, United States Code, to maintain these forms in their records. In addition, ATF Form 4473 requires the purchaser to answer the following question:

Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s)?

Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person.

If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.

ATF Form 4473 also requires the FFL to certify that “*it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section B*” (on the form). It is illegal for the FFL or an employee to sell a firearm to an individual where the FFL or an employee believes or has reason to believe that the individual filling out the ATF Form 4473 is not the actual purchaser of the firearm but is instead purchasing the firearm on behalf of another person. Such a purchase is known as a “straw purchase.” A “straw” purchase occurs when the actual buyer, who is often prohibited from possession of a firearm, uses another individual to acquire a firearm from an FFL in order to hide or conceal the identity of the actual buyer of the firearm.

6. FFLs are required by law to record the acquisition and disposition of every firearm supplied to the FFL in an acquisition and disposition (“A&D”) record and to maintain the A&D record at their licensed business premises. Specifically, for each firearm that is taken into inventory, the FFL is required to record the make, model, and serial number of the firearm, the date of acquisition, the name and address (or federal firearms license number) of the person from whom the firearm is acquired, the date on which the firearm was disposed of, and the name and address (or federal firearms license number or Form 4473 transaction number) of the person to whom the firearm is transferred.

7. The Federal Licensing System (FLS) is ATF’s searchable database of FFL holders. FLS contains identifying information of a licensee, their current license status, and other responsible parties associated with the license.

8. ATF has a program to “trace” firearms recovered in criminal investigations through the ATF National Tracing Center. This process traces the firearm recovered through a criminal investigation to the original purchaser via firearms manufacturer, wholesaler, and

retailer records via the firearm's serial number. If the serial number of the firearm is obliterated, ATF cannot trace the firearm.

Straw Purchasers and Firearms Trafficking

9. Firearms traffickers, people who desire firearms and are prohibited from possessing them, and those, who, in general, do not want their name associated with the purchase of a firearm from an FFL, often employ straw purchasers to buy firearms from FFLs, and they almost exclusively make such purchases in cash to further conceal the true buyer and source of funds used to purchase the firearm. These straw purchasers are commonly paid to make a false claim on ATF Form 4473, claiming they are buying the firearm for themselves, when, in fact, they are purchasing the firearm on behalf of another.

10. Based on my training and experience, I know that there are other indicators of firearms trafficking and/or straw purchasing. These include the following: making cash purchases of multiple firearms; utilizing many different FFLs to purchase multiple firearms in a short period of time; and making multiple purchases of the same types of firearms. Additionally, a short time-to-crime, the length of time from when a firearm was purchased to when it was recovered in a crime by law enforcement, is often an indicator of firearms trafficking or straw purchasing.

11. I know that in the State of Oregon it is unlawful, with limited exceptions, such as a transfer to a family member, to transfer a firearm to another person without conducting a background check through an FFL. Based on my training and experience, I know that individuals who are involved in the trafficking of firearms and/or straw purchasing schemes often ignore private party background check laws such as the one that exists in the State of Oregon.

The National Integrated Ballistic Information Network

12. The National Integrated Ballistic Information Network (NIBIN) provides federal, state, and local law enforcement with automated ballistics imaging that assists investigators by using a digital image of a casing to link firearms used to commit crimes. Based upon my training, experience, and conversations with Firearms Examiners or other experienced investigators, I know that a “NIBIN Lead” is a high probability (presumptive) match between two or more pieces of ballistic evidence (fired cartridge casings) based on correlation review of high-definition digital images in the NIBIN database. The digital images capture the unique microscopic tool marks (firing pin impression, breachface marks, and ejector marks) on fired cartridge casings. A NIBIN Lead indicating that two or more cartridge cases may have been fired by the same firearm is identified by either a trained NIBIN Technician or a Firearms Examiner. Upon initial identification of a NIBIN Lead, another trained NIBIN Technician or Firearms Examiner must peer review the digital images before the NIBIN Lead may be disseminated to the requesting law enforcement agencies for investigative purposes.

Statement of Probable Cause

13. I am currently investigating alleged “straw” purchases of firearms, [REDACTED] [REDACTED] are the primary suspects. ATF queried FLS for [REDACTED] and Thomas Green III and determined neither suspect possess a federal license to engage in the business of dealing firearms.

Gun-Related Criminal Activity Involving the [REDACTED]

14. In May 2021, I received information from the Gresham Police Department (GPD) and the Multnomah County Sheriff’s Office (MCSO) detailing several shooting incidents involving [REDACTED] [REDACTED] Thomas Green III. At

the same time, I received information concerning the purchase of multiple firearms by the [REDACTED]
[REDACTED]

15. On April 5, 2020, the Portland Police Bureau (PPB) responded to a negligent discharge of a firearm from one apartment into another at 12608 SE Alder Street, Apartment #61, in Portland, Oregon, involving [REDACTED] Thomas Green III, Kylin Harris (DOB: xx/xx/1999), Craig Williams (DOB: xx/xx/2001), and other individuals not identified in the reporting. PPB seized a .357 caliber revolver at the conclusion of the investigation.

16. On April 23, 2020, PPB responded to 915 NE Sumner Street in Portland, Oregon, to investigate a house struck by gunfire. Officers arrived and learned that the gunshot appeared to have come from Thomas Green Junior's (the father of [REDACTED] Thomas Green III, DOB: xx/xx/1979, hereinafter referred to as "Green Jr.") residence at 914 NE Sumner Street. When the officer asked Green Jr. why there was a small hole in the front window of his house, Green Jr. told officers that he had intentionally thrown a rock through his own window. Green Jr. changed his explanation and admitted to a gun going off accidentally as he was trying to show his son how to clean it. Green Jr. is a convicted felon and prohibited from possessing firearms. PPB seized three (3) handguns and an AK-47 pistol from inside the residence. None of Green Jr.'s sons were home at this time, but officers spoke to [REDACTED] over the phone. [REDACTED]

[REDACTED] stated that all the guns in the residence were his. The following firearms were seized:

- Pioneer Arms, Hellpup model, 7.62mm caliber (AK-47) pistol with serial number PAC1133071 (*Recovered firearm #1*)
- Smith & Wesson, M&P 40 model, .40 caliber pistol with serial number HPX2079 (*Recovered firearm #2*)
- Jennings, Bryco 59 model, (unknown caliber) pistol with serial number 848263

- Stoeger Arms, Cougar 8000 model, 9mm caliber pistol with serial number T642912G00102 (*Recovered firearm #3*)

17.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. On August 30, 2020, PPB responded to Portland Adventist Hospital regarding a walk-in gunshot victim. Responding officers learned that Craig Williams (DOB: xx/xx/2001) had arrived at the hospital with a gunshot to his left shoulder. When PPB Officers arrived at the hospital, they observed a red Buick with obvious signs of gunshot damage. PPB Officers contacted the occupants of the Buick and identified them as Kylin Harris (DOB: xx/xx/1999) and Jason Benton (DOB: xx/xx/1998). PPB Officers removed Kylin Harris and Jason Benton from the vehicle to preserve the car as evidence in a shooting, and officers located three (3) handguns inside the vehicle. Kylin Harris had been sitting on one of the guns, and Jason Benton dropped one of the guns as he got out of the car. PPB officers later found a third gun was under the front passenger seat. When asked where he got the gun, Jason Benton told officers that he "*got it from a friend*" and that the friend was "*this Asian guy on Facebook*." The three (3) firearms seized from the vehicle are as follows:

- Glock 43X with serial number BNES180 (*Recovered firearm #5*)
- Glock 31 with serial number TWN171 (*Recovered firearm #6*)
- Glock 17 with serial number SCY415 (*Recovered firearm #7*)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. After reviewing Thomas Green III's purchase records from FFL Store 1, I determined Thomas Green III was the purchaser of the Glock, 17 model, 9mm caliber pistol with serial number SCY415 on May 6, 2020.

20.

A series of nine horizontal black bars of varying lengths, decreasing from top to bottom. The bars are evenly spaced and extend across the width of the frame.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21.

Affidavit of Eric Livengood

Page 9

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22. On May 12, 2021, GPD responded to 1721 SW Lillyben Avenue in Gresham, Oregon, for the report of a shooting. The occupants of the Lillyben residence were not contacted during this police action; however, twelve (12) bullet holes were observed on the exterior of the house by officers. At the time of the shooting, [REDACTED] Thomas Green III listed the Lillyben residence on their Oregon driver licenses. GPD determined an unknown assailant shot into the residence numerous times.

23. On May 21, 2021, GPD responded to 1721 SW Lillyben Avenue in Gresham, Oregon, on the report of another shooting incident. GPD arrived and located several spent cartridge casings in the street in front of the residence. The subsequent investigation determined that approximately fourteen (14) rounds were fired into the front of the residence in a drive-by shooting. Approximately twelve (12) seconds after the last shot was fired into the house, an occupant of the residence fired approximately thirty (30) rounds through the front walls, window, and door into the neighborhood. Multiple rounds struck occupied neighboring homes. When the rounds were fired from the inside of the house, the drive-by vehicle was long gone. Approximately fifty-six (56) bullets had passed through this residence throughout the two shooting incidents that occurred on May 12 and May 21, 2021.

24. On June 3, 2021, members of the FBI Safe Streets Task Force were granted a search warrant by the Honorable Eric L. Dahlin, a Circuit Court Judge in the State of Oregon, County of Multnomah, for 1721 SW Lillyben Avenue in Gresham, Oregon. The search warrant was for evidence related to the two shootings described above. The occupants of the Lillyben residence were not present when the search warrant was executed; however, it appeared that someone was still living at the residence. There was furniture and clothing in all of the bedrooms, food in the kitchen, and several items of value still inside the residence. Investigators later confirmed with the property manager that an eviction process had been initiated and that the eviction would be completed by June 13, 2021. The landlord told law enforcement that the residence was cleared out shortly after the execution of the search warrant on June 3, 2021, and that renovations and repairs had begun. During the search of the Lillyben residence, there were no actual firearms recovered, but the following notable items were collected:

- 1- Nine (9) empty semi-automatic gun cases (eight (8) Glock brand and one (1) Smith & Wesson brand).
- 2- Twenty-two (22) spent bullets.
- 3- Twenty-two (22) spent cartridge casings in multiple calibers.
- 4- Twenty-six (26) semi-automatic firearm magazines (a mixture of standard size and thirty (30) round extended capacity magazines) and one (1) rifle magazine.
- 5- Five (5) receipts for gun purchases at FFL Store 1 showing purchases made by [REDACTED] and purchases made by Thomas Green III during the time of April 10, 2020, to March 6, 2021.
- 6- Range bag with over four hundred (400) spent cartridges from multiple calibers.

25. MCSO examined all the spent cartridges seized as part of this warrant, and thirty-three (33) were entered into NIBIN. The MCSO detective was trained and certified by the ATF

in August 2019 in acquisitions used for NIBIN and has maintained his certification to date. In the days and months following the execution of the search warrant at the Lillyben residence, the following NIBIN leads have been generated, linking casings from various crime scenes to the fired casings recovered from the Lillyben residence:

Item CDS57: .40 caliber spent cartridge that was in the backyard of 1721 SW Lillyben Avenue. This cartridge has been linked to three (3) shootings in Portland. One injury shooting on April 21, 2020, documented under PPB 20-130466, one non-injury shooting on July 2, 2021, documented under PPB 21-179207, and one non-injury shooting on July 3, 2021, documented under PPB 21-181233.

Item CDS64: 9mm spent cartridge that was provided to detectives by neighbors of 1721 SW Lillyben Avenue. This cartridge has been linked to four (4) shootings in Portland. One injury shooting on April 6, 2020, documented under PPB 20-111880, one non-injury shooting on February 28, 2021, documented under PPB 21-53935, one non-injury shooting on May 17, 2021, documented under PPB case 21-133302 and one injury shooting on June 10, 2021, documented under PPB 21-157409.

Item CDS25: .40 caliber cartridge casing found inside of a Glock case inside of 1721 SW Lillyben Avenue. Based on my training and experience, I know this to be a test fire cartridge casing that was provided by the manufacturer, Glock Inc. with the purchase of a firearm and was placed in the original gun box. The test fire cartridge was located inside a sealed envelope and labeled as being fired from a Glock, model 23, .40 caliber pistol with serial number SDU988 (refer to image below):



Item CDS25: (as referenced above) Has been linked to cartridge casings recovered from three (3) shootings that occurred after the warrant execution of the Lillyben residence. One non-injury shooting on July 3, 2021, documented under PPB case 21-181233, one non-injury shooting on July 8, 2021, documented under PPB case 21-181233 and one non-injury shooting on July 11, 2021, documented under PPB case 21-186170. In MCSO Detective C. Stephen's investigative opinion, the same firearm was used in all these shooting incidents. The documented purchaser of the Glock, model 23, .40 caliber pistol with serial number SDU988 associated through NIBIN to the above listed shootings is Thomas Green III. Purchase records reflected that Thomas Green III purchased the Glock, model 23, .40 caliber pistol with serial number SDU988 on February 3, 2021, from FFL Store 1 in Gresham, Oregon.

26. On July 23, 2021, the Beaverton Police Department (BPD) conducted a traffic stop of a silver Dodge Dart with no license plates in the area of SW Allen Boulevard and SW Alger Avenue in Beaverton, Oregon. The driver, and sole occupant of the vehicle, provided multiple false names to the officer and provided no identification to support his claim of the fictitious identities. BPD ultimately learned that the driver was Christopher Miller (DOB: xx/xx/1991) and that Christopher Miller had multiple active warrants for his arrest. During a subsequent search, incident to arrest, of Christopher Miller's vehicle, BPD found a Glock, model 22, .40 caliber pistol with serial number FLA555, located inside an unzipped fanny pack. Through conversations with MCSO and other investigators, I know of Christopher Miller and know Christopher Miller to be a convicted felon and a member of the criminal organization "Unthank Park Hustlers." Law enforcement is aware that Miller goes by the street name "Bleed" and that he has several felony convictions that would prohibit him from legally purchasing or possessing a firearm. According to an ATF Firearms Trace Summary report, the Glock, model 22, .40 caliber pistol with serial number FLA555, found in Miller's vehicle during the search was purchased four (4) days earlier by Thomas Green III at FFL Store I in Gresham, Oregon (*Recovered firearm #11*).

27. On August 6, 2021, PPB responded to a theft investigation in Portland, Oregon. PPB contacted the victim, Adult Victim 1 (DOB: xx/xx/1998), who reported Thomas Green III stole a bottle of alcohol from her kitchen and a Glock, 26 model, 9mm caliber pistol, with serial number ADZR138 from her purse. Adult Victim 1 (AV1) stated she had a “one night stand” with Thomas Green III the previous night. On the morning of August 6, 2021, while AV1 was in the shower, she received a text message from Thomas Green III, in which he said he was leaving her residence to pick up his child. When AV1 got out of the shower, she discovered the items missing from her residence. She stated Thomas Green III was the only person with access to her purse since the firearm was last seen in the purse.

28. [REDACTED]

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Gang Involvement

29. An MCSO Detective spent seven years working on a multi-agency law enforcement team known as the East Metro Gang Enforcement Team (EMGET) as a gang investigator and has observed several indicators that [REDACTED] Thomas Green III are members of the criminal organization, Unthank Park Hustlers. The MCSO Detective provided the following information about the Unthank Park Hustlers and observations associating [REDACTED] Thomas Green III with the organization:

- a. The Unthank Park Hustlers are a local criminal organization that formed in the city of Portland in the late 1980's and claimed Unthank Park as their territory. Unthank Park gang members identify with the colors red and green (red for being a Blood gang set and green for money made from hustling). Unthank Park gang members identify with the numbers "21" and "3800" (the letter "U" being the twenty-first letter of the alphabet and 3800 is the hundred block of the southern border of Unthank Park, N Failing Street, Portland).
- b. [REDACTED] Thomas Green III use "38" or "3800" in their social media vanity account names. Posts made by these accounts clearly show their allegiance to the Unthank Park Hustlers in language used, clothing worn, and gang hand signs observed in images and videos.
- c. Since early 2021, MCSO has found several rap videos on YouTube that show [REDACTED] Thomas Green III with other known Unthank Park Hustlers and convicted felons possessing firearms. The location of some of the videos is at the 1721 SW Lillyben Avenue address in Gresham, Oregon. In these music videos, several of the

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individuals are holding handguns and assault rifles. The following images are still shots taken from the described videos from YouTube:





Thomas Green III holding a Glock pistol, inserted into a "Roni" conversion kit.¹ Unknown male to his left holding what appears to be another "Roni" with a 50-round drum magazine.

Firearms Recovery Information

30. [REDACTED]

[REDACTED]
[REDACTED]

31. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

¹ "Roni" is a brand name of a pistol to carbine conversion kit. This conversion kit (specified for the user's pistol) allows the user to insert their pistol into a carbine assembly that includes a shoulder stock, foregrip, rail for illumination, laser, or scope accessories, and additional magazine storage. This instantly converts the pistol shooting platform into a carbine or rifle shooting platform that can be stabilized using the shoulder stock and foregrip, allowing for greater accuracy and quicker target acquisition ability. The rails of the firearm allow for added accessories such as magnification scopes, illumination, and lasers that can also account for greater accuracy or efficiency.

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32. I also obtained tracing information for firearms purchased by Thomas Green III that were recovered by law enforcement in criminal investigations. I found that two (2) firearms purchased by Thomas Green III from May 12, 2020, to July 19, 2020, had been recovered by law enforcement.

enforcement. Both firearms were recovered from individuals other than their purchaser, Thomas Green III. The details of those recoveries are as follows:

- a. On August 30, 2020, a Glock, model 17, 9mm caliber pistol with serial number SCY415 was recovered and traced in relation to a shooting investigation in Portland, Oregon. The trace identified Thomas Green III as the original purchaser on May 12, 2020, from an FFL located in Gresham, Oregon. The firearm had a time-to-crime of 110 days after it was purchased by Thomas Green III. The trace report listed Craig Williams (DOB: 07/31/1998) as the possessor.
- b. On July 23, 2021, a Glock, model 22, .40 caliber pistol with serial number FLA555 was recovered and traced in relation to a traffic stop in Beaverton, Oregon. The trace identified Thomas Green III as the original purchaser on July 19, 2021, from an FFL located in Gresham, OR. The firearm had a time-to-crime of four (4) days after it was purchased by Thomas Green III. The trace report listed Christopher Miller (DOB: xx/xx/1991) as the possessor, a convicted felon (detailed in the “Previously Documented Criminal Activity” section).

Victimology

33. To determine if any of the purchased firearms were reported stolen, local and federal law enforcement databases were queried for [REDACTED] Thomas Green III listed as a victim in an official police report. These queries were negative. Each purchased firearm was also queried in The National Crime Information Network (NCIC) to check if any of the firearms were listed as stolen. This query also produced negative results, indicating none of the known firearms purchased by [REDACTED] Thomas Green III have been reported stolen.

Multiple Sales Information

34. The Multiple Handgun Sales Program was developed with the statutory intent to enable ATF to monitor and deter illegal interstate commerce in pistols and revolvers by unlicensed persons. This program requires FFLs to report to ATF the sale of two (2) or more pistols or revolvers, or any combination of these weapons, to an unlicensed person at one time or within five (5) consecutive business days. On September 20, 2021, I obtained and reviewed ATF multiple sales forms generated by several FFLs due to their sale of multiple firearms, within five (5) consecutive business days, to [REDACTED] Thomas Green III.

35.

- [REDACTED]
- [REDACTED]
- [REDACTED]
I [REDACTED]

36. I found a total of six (6) multiple sales forms generated by several FFLs for Thomas Green III between May 12, 2020, and July 27, 2021. The details of those multiple sales are as follows:

- a. On May 12, 2020, FFL Store 1, located in Gresham, Oregon, reported the sale of four (4) firearms to Thomas Green III:
 - Glock, 17 model, 9mm caliber pistol with serial number SCY415
 - Taurus, PT101AF model, .40 caliber pistol with serial number SND64654
 - S.C. Nova Grup S.R.L., (no model), 9mm caliber pistol with serial number RON2043898
 - Glock, (no model), 9mm caliber pistol with serial number MSE632
- b. On February 3, 2021, FFL Store 1, located in Gresham, Oregon, reported the sale of two (2) firearms to Thomas Green III:
 - Glock, 23 model, .40 caliber pistol with serial number SDU988
 - Glock, 23 model, .40 caliber pistol with serial number VVZ522
- c. On June 30, 2021, FFL Store 1, located in Gresham, Oregon, reported the sale of three (3) firearms to Thomas Green III:
 - Glock, 23 model, .40 caliber pistol with serial number GGK498
 - Glock, 23 model, .40 caliber pistol with serial number GGK470
 - Glock, 22 model, .40 caliber pistol with serial number CPR748US

d. On June 30, 2021, FFL Store 5, located in Portland, Oregon, reported the sale of two (2) firearms to Thomas Green III:

- HS Produkt, XDE model, .45 caliber pistol with serial number BA344784
- Bersa, TPR45C model, .45 caliber pistol with serial number J43735

e. On July 19, 2021, FFL Store 1, located in Gresham, Oregon, reported the sale of four (4) firearms to Thomas Green III:

- Glock, 22 model, .40 caliber pistol with serial number SHR923
- Glock, 22 model, .40 caliber pistol with serial number DPV436US
- Glock, 22 model, .40 caliber pistol with serial number FLA555
- Glock, 22 model, .40 caliber pistol with serial number HYN957

f. On July 27, 2021, FFL Store 1, located in Gresham, Oregon, reported the sale of three (3) firearms to Thomas Green III:

- Glock, 21 model, .45 caliber pistol with serial number PZA069
- Glock, 22 model, .40 caliber pistol with serial number VGH474
- Glock, 43 model, 9mm caliber pistol with serial number AFGL532

Firearms Transaction Records (ATF Form 4473) from FFL Store 1

37. ATF requires FFLs to complete a Firearms Transaction Record (ATF Form 4473) each time they sell/transfer a firearm to an individual. ATF Form 4473s are the official records of firearm sales for the FFL and contain sections that must be completed by the seller and purchaser. In general, ATF Form 4473s contain the purchaser's information (name, address, date of birth, physical descriptors, social security number, state driver or identification license information), sales information (quantity of firearms sold, firearm make, model and serial

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number, FFL's information), and multiple certification questions the purchaser must answer, affirming they are not prohibited from possessing a firearm.

38. Having previous knowledge that [REDACTED] Thomas Green III purchased firearms from FFL Store 1, in Gresham, Oregon, I collected all ATF Form 4473s from FFL Store 1 completed by [REDACTED] Thomas Green III since January of 2020.

39. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] I determined Thomas Green III had purchased sixteen (16) firearms on seven (7) different occasions exclusively from FFL Store 1 from May 6, 2020, to July 17, 2021.

40. I noted [REDACTED] Thomas Green III continued to list their current address as "1721 SW Lillyben Avenue, Gresham, Oregon" when completing ATF Form 4473, even after being evicted from the property in mid-June of 2021. [REDACTED]

[REDACTED] Thomas Green III has listed this address on four (4) ATF Form 4473s at FFL Store 1 since June 23, 2021.

41. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Thomas Green III spent \$6,024 (not including processing/background check fees, accessory, or ammunition purchases) in firearms purchases (sixteen (16) firearms) from May 6, 2020, to July 17, 2021, exclusively from FFL Store 1, most of which were in cash.

ATF Form 4473 Certifications

42.

Section B - Must Be Completed Personally By Transferee/Buyer

Section B - Must be Completed Personally by Transferor/Buyer

10. Current State of Residence and Address (U.S. postal abbreviations are acceptable. Cannot be a post office box.)
Number and Street Address **AVC** City **State** **ZIP Code** **County/Parish/Borough**

11. Place of Birth U.S. City and State: <input type="checkbox"/>	-OR-	Foreign Country	12. Height Ft. <input type="text"/>	13. Weight (lbs.) <input type="text"/>	14. Sex <input type="checkbox"/>	15. Birth Date <input type="text"/>	Year <input type="text"/>
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16. Social Security Number (optional, but will help prevent misidentification) 17. Unique Personal Identification Number (UPIN) or Appeals Management Database Identification (AMID) ID (if applicable)

18.b. Race (Select one or more race in 18.b. Both 18.a. and 18.b. must be answered.)

19. Country of Citizenship: (Check/Initial more than one, if applicable. Nationals of the United States may check U.S.A.)

20. If you are an alien, record your U.S.-Issued alien or admission number (A#4, USCIS#, or 194#):

21. Answer the following questions by checking or marking either the "yes" or "no" box to the right of the questions:

21. Answer the following questions by checking or marking either the "yes" or "no" to the right of the questions. YES NO

2. Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)?

Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21-a, and may proceed to question 21-b.

b. Are you under indictment as in Part 1? _____

11. *What is the best way to increase the number of people who use a particular service?*

1111

I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 21.b. through 21.k. is prohibited from receiving or possessing a firearm. I understand that a person who answers "yes" to question 21.l. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 21.m. and provides the documentation required in 26.d. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for profit without a Federal firearms license is a violation of Federal law.

22. Transferee's/Buyer's Signature

123. Certification Date

1

Section C - Must Be Completed By Transferor/Seller Prior To The Transfer Of The Firearm(s)

34. Category of firearm(s) to be transferred (check or mark all that apply):

Affidavit of Eric Livengood

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

45. I reviewed the most recent ATF Form 4473 completed by Thomas Green III at FFL Store 1 on July 17, 2021, which detailed the transfer of three (3) handguns and noted Thomas Green III answered “yes” to question 21a., which asks,

“Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.**” Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.

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Section B - Must Be Completed Personally By Transferee/Buyer					
9. Transferee's/Buyer's Full Name (If legal name contains an initial only, record the initial followed by "IO" in quotes. If no middle initial or name, record "NMN".)					
Last Name (including suffix, e.g., Jr, Sr, II, III)	First Name	Middle Name			
GOPTILL	Thomas	Elmer Edward			
10. Current State of Residence and Address (U.S. postal abbreviations are acceptable. Cannot be a post office box.)					
Number and Street Address	City	State	ZIP Code	County/Parish/Borough	
1721 SW 111th Avenue	Gresham	OR	97080	Multnomah	
11. Place of Birth	12. Height	13. Weight	14. Sex	15. Birth Date	
U.S. City and State	ft. <u>5</u>	(lbs.) <u>175</u>	<input checked="" type="checkbox"/> Male	Year <u>1990</u>	
-OR-	in. <u>7</u>		<input type="checkbox"/> Female		
Portland OR			<input type="checkbox"/> Non-Binary		
16. Social Security Number (optional, but will help prevent misidentification)			17. Unique Personal Identification Number (UPIN) or Appeals Management Database Identification (AMD ID) (if applicable)		
[REDACTED]			[REDACTED]		
18.a. Ethnicity	18.b. Race (Select one or more race in 18.b. Both 18.a. and 18.b. must be answered.)				
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> American Indian or Alaska Native	<input checked="" type="checkbox"/> Black or African American	<input type="checkbox"/> White		
<input checked="" type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander			
19. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)					
<input checked="" type="checkbox"/> United States of America (U.S.A.) <input type="checkbox"/> Other Country/Countries (Specify):					
20. If you are an alien, record your U.S.-issued alien or admission number (AR#, USCIS#, or I94#):					
21. Answer the following questions by checking or marking either the "yes" or "no" box to the right of the questions:					
<p>a. Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)?</p> <p>Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.</p>					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
46. Thomas Green III also signed and dated boxes 22 and 23, directly below the certification that states in part,					
<p>"I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law..."</p>					
<p>I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 21.b. through 21.k. is prohibited from receiving or possessing a firearm. I understand that a person who answers "yes" to question 21.l.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 21.l.2. and provides the documentation required in 26.d. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law.</p>					
22. Transferee's/Buyer's Signature			23. Certification Date		
<u>Thomas Green III</u>			Month <u>07</u>	Day <u>19</u>	Year <u>2021</u>
Section C - Must Be Completed By Transferor/Seller Prior To The Transfer Of The Firearm(s)					
24. Category of Gun/Type of Firearm					

47. Before this most recent purchase of three (3) handguns on July 19, 2021, Thomas Green III had purchased thirteen (13) handguns from FFL Store 1. I noted Thomas Green III completed all the previous six (6) ATF form 4473s for the thirteen (13) previous handgun purchases from FFL Store 1 in the same way, answering "yes" to question 21a., which asks, "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.**" Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.

-And-

signing and dating boxes 22 and 23, directly below the certification that states in part, "**I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473.I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law..."**

Oregon Employment Department (OED) Information

48. On August 31, 2021, I reviewed subpoenaed information from OED regarding the employment and wages of [REDACTED] Thomas Green III from April 1, 2020, to present in the State of Oregon. According to OED, [REDACTED] earned \$13,781.41 from April 1, 2020,

to present. According to receipts attached to firearms transactions, [REDACTED] has spent \$15,853.00 on forty-six (46) firearms from FFL Store 1 from April 1, 2020, to present. This amount spent on firearms does not include eighteen (18) additional firearms I know [REDACTED] [REDACTED] has purchased since April 1, 2020. Firearms transaction records and accompanying receipts have yet to be collected from the additional FFLs [REDACTED] purchased these firearms from. According to OED, Thomas Green III earned \$5,243.39 from April 1, 2020, to present. According to receipts attached to firearms transactions, Thomas Green III has spent \$6,024.00 on sixteen (16) firearms from FFL Store 1 from April 1, 2020, to present. This amount spent on firearms does not include two (2) additional firearms I know Thomas Green III has purchased since April 1, 2020. Firearms transaction records and accompanying receipts have yet to be collected from the additional FFL Thomas Green III purchased these firearms from.

49. Based on the forgoing, I believe the legitimate income level of both [REDACTED] [REDACTED] Thomas Green III does not support the amount of money they have spent purchasing firearms from April 1, 2020, to present. Based on my training, experience, and the facts uncovered throughout this investigation, I believe the above financial information supports that [REDACTED] [REDACTED] Thomas Green III are actively involved in the unlawful acquisition and disposition of firearms.

Oregon State Police (OSP) Information

50. On August 31, 2021, I reviewed subpoenaed information from the Oregon State Police (OSP) regarding firearms purchased by [REDACTED] Thomas Green III in the State of Oregon since January 1, 2020. According to the Firearms Instant Check Database (FICS), [REDACTED] purchased sixty (60) firearms between April 1, 2020, and August 9, 2021, and Thomas Green III purchased eighteen (18) firearms between May 6, 2020, and July 17, 2021.

This information provided purchase details for ten (10) additional firearms acquired by [REDACTED] [REDACTED] from other FFLs in Oregon, not previously known. This information also provided purchase details for two (2) additional firearms acquired by Thomas Green III from another FFL in Oregon, not previously known.

51. With the combination of the OSP subpoenaed FICS information above, all purchase paperwork from FFL Store 1, ATF Multiple Sales information, and ATF Trace information, I determined [REDACTED]

[REDACTED] Thomas Green III has purchased eighteen (18) firearms in the State of Oregon since May 6, 2020.

Conclusion

52. Based on the foregoing, I have probable cause to believe that [REDACTED] [REDACTED] Thomas Edward Green III each knowingly falsified information in connection with the acquisition of a firearm in violation of 18 U.S.C. § 922(a)(6) and each knowingly made a false statement in a record required to be kept by a Federal Firearms Licensee in violation of 18 U.S.C. § 924(a)(1)(A). I believe [REDACTED] Thomas Green III have been engaged in straw purchasing on many occasions since April of 2020, but for the purposes of this criminal complaint, the following particular firearm purchases are identified:

[REDACTED]
[REDACTED]

Thomas Edward Green III
18 U.S.C. § 922(a)(6) – July 12, 2021
18 U.S.C. § 924(a)(1)(A) – July 19, 2021

I therefore request that the Court issue criminal complaints and arrest warrants for [REDACTED]

[REDACTED] Thomas Edward Green III.

Affidavit of Eric Livengood

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53. Prior to being submitted to the Court, this affidavit, the accompanying complaints, and the arrest warrants were reviewed by Assistant United States Attorney (AUSA) Parakram Singh, and AUSA Parakram Singh advised me that in his opinion the affidavit and complaints are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaints and arrest warrants.

Request for Sealing

54. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaints and arrest warrants. I believe that sealing these documents is necessary because the information to be sealed is relevant to an ongoing investigation, and any disclosure of the information at this time may endanger the life or physical safety of individuals involved in this investigation, cause intimidation of potential witnesses, cause the defendant's flight from prosecution, and jeopardize any continued investigation through future interviews. Premature disclosure of the affidavit, the criminal complaints, and the arrest warrants may adversely affect the integrity of the investigation.

By Telephone
ERIC LIVENGOOD
Special Agent, ATF

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at
4:00 a.m./p.m. on September 28, 2021.


HONORABLE JOHN JELDERKS
United States Magistrate Judge